

Court of Appeals, State of Michigan

ORDER

Anthony Maurer v Donald Darnell

Docket No. **357369**

LC No. **17-001112-NM**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction. The May 13, 2021 order denying reconsideration is not a final order appealable by right. MCR 7.203(A); MCR 7.202(6)(a); *Nye v Gable, Nelson, & Murphy*, 169 Mich App 411, 415; 425 NW2d 797 (1988). Moreover, if appellants intended to claim an appeal from the June 22, 2020 judgment, the claim is untimely. It was not filed within 21 days of entry of the judgment, MCR 7.204(A)(1)(a), or within 21 days of entry of an order deciding a post-judgment motion for new trial, rehearing, reconsideration or other relief from the judgment appealed that “*was filed within the initial 21-day appeal period*,” MCR 7.204(A)(1)(d) (emphasis added). The motion for reconsideration was filed on April 22, 2021. Further, the April 22, 2021 motion requested reconsideration of non-final, postjudgment orders denying a motion for judgment notwithstanding the verdict or new trial. The reconsideration motion did not extend the time for filing an appeal of right from the judgment. MCR 7.204(A)(1)(d). See, e.g., *Allied Electric Supply Company, Inc v Tenaglia*, 461 Mich 285, 288-289; 602 NW2d 572 (1999). Dismissal is without prejudice to the filing of a late appeal, MCR 7.205(A)(4), provided such a filing meets all court rule requirements and is not time-barred.





A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 8, 2021

Date



Chief Clerk



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

Date



Chief Clerk